

REMARKS

As an initial matter, Applicants thank Examiner Weinstein for the courtesies extended during the personal interview of April 19, 2005 where the patentability of claims 1-14 were discussed. Applicants provided exhibits of a pastry bag containing an integrated decorator coupler according to the present invention and a conventional pastry bag containing a decorator coupler with a detachable decorator tip. Applicants argued that there was no motivation to modify the prior art couplers to include an integrated decorative tip and that the orifices of the prior art decorator couplers were not sized or shaped to extrude filling in a decorative shape. No agreement was reached.

Prior to the present amendment, claims 1-14 were pending in the present application. By the present amendment, claims 15-20 have been added. Therefore, claims 1-20 are pending in the present application. Claims 1-7, 9, and 11-14 have been amended to recite that the decorator coupler is an integrated decorator coupler. Support for this amendment can be found in the title of the invention. Claim 1 has been amended to recite that the "hollow shaft has a decorative tip extending from and integral with the hollow shaft, wherein the decorative tip has a non-circular decorative opening." Support for this amendment can be found in the drawings. With respect to the recitation in claims 1, 5, and 11 that the decorative opening is non-circular, support for this amendment can be found on page 4, lines 17-20 which states that decorative opening 12 (of the decorator coupler) can be in the shape of a star and can be in the shape of a drop flower, leaf, petal, straight ribbon, curved ribbon, closed star, star-cut cross, Irish heart, flat lettering, multiple star, and basket weave shapes, all of which are non-circular. Further support for this claim amendment can be found in the drawings which illustrate a non-circular decorative opening 12. Claims 1, 5, and 11 have also been amended to recite that the non-circular decorative opening is designed to extrude filling in a non-cylindrical decorative shape, since the resulting three-dimensional shape of the filling extruded from a non-circular opening is non-cylindrical. Support for newly added claims 16-20 can be found in the drawings which clearly illustrate the decorative tip of the integrated decorator coupler having dentate projections at the upper end of the integrated decorator coupler.

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Claims 1-8 and 11-14 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by GB 2,237,224 to Craig ("Craig"). Claims 9-10 stand rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by Craig in view of EP 757006 to Ooms ("Ooms"). Claims 1-4 also stand rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by Craig in view of Ooms, FR 598674 to Berrod ("Berrod"), 3,847,523 to Parrish ("Parrish"), and 2,320,496 to Wechsler ("Wechsler") in view of EP 340,132 to Janik ("Janik"), 6,153,238 to Shannon ("Shannon"), 4,844,917 to DeLorimere ("DeLorimere"), 2,419,654 to Moore ("Moore"), and 6,179,165 to Knight ("Knight"). Applicants traverse these rejections.

Claims 1-8 and 11-20 Are Not Anticipated by Craig

Amended claims 1, 5, and 11 recite that the decorator coupler has an integrated decorative tip having a non-circular decorative opening. Craig does not describe any such integrated decorative tip. In Craig, the opening of outlet 22 (retained at the lower end of the fabric bag 21) is depicted as being circular and there is no disclosure in Craig that describes any other configuration of outlet 22 or describes any other additional structure extending from and integral with outlet 22. Any decorative tip described in Craig is not integrated with the coupler, but rather is a separate element that can be attached to the coupler. For example, Craig described an icing tube 23 that is "held in place over the outlet 22" (page 6, lines 1-6). For at least this reason, Applicants submit that claims 1, 5, and 11 (and all claims that depend therefrom) are not anticipated by Craig and Applicants request withdrawal of this rejection.

Claims 9-10 Are Not Rendered Obvious by Craig in View of Ooms

Claims 9 and 10 depend from claim 1, which recites an integrated decorator coupler having an integrated decorative tip having a non-circular decorative opening. As described above, Craig does not describe such an integrated decorator coupler and Ooms does not make up for this deficiency. Specifically, the insert 4 of Ooms (to which a spray nozzle or closure cap can be attached) is illustrated as being circular and nowhere in Ooms is the insert described as having a non-circular opening nor is there any description

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of an additional structure extending from and integral with insert 4. As with Craig, any tip described in Ooms is not integrated with the coupler, but rather is a separate element that can be coupled to the coupler. For example, Ooms describes the insert 4 fitted with "provisions for the purpose of attaching a spray nozzle or closure cap" For at least this reason, Applicants submit that claims 9 and 10 are not rendered obvious by Craig in view of Ooms.

Claims 1-20 Are Not Rendered Obvious by Craig in View of the Secondary and Tertiary References Cited by the Examiner

As mentioned above, Craig does not describe an integrated decorator coupler having a decorative tip with a non-circular opening and there is no motivation or suggestion in the art to modify the coupler of Craig to integrally include a decorative tip. In all the references cited by the Examiner that describe a coupler, a separate, non-integral decorative tip having a non-circular opening is described as being attached to or engaged with the coupler. Further, in all such references, the coupler itself is described and/or depicted as having a circular opening (or there is no description of the coupler as having a non-circular opening). Specifically, Parrish states that "decorating icing tubes 14 of different sizes may be selectively attached to the lower end of the tubular element 12" (col. 2, lines 22-28). Also, in Parrish the tubular element 12 is described as having a "truncated conical configuration" (see col. 2, line 25) and is depicted as having a circular opening (see Figure 4). Wechsler describes a decorative tip for "engaging" a coupler (see col. 2, lines 46-49) and the coupler is described as "perfectly smooth" (see col. 2, line 39) and is also depicted as having a circular opening (See Figure 2). Shannon describes decorative tips that can be "attached" to the coupler (see col. 6, lines 51-52) and the opening of the coupler is depicted as being circular (See Figure 5, element 141). In DeLorimiere, the coupler is depicted as having a circular opening (See Figure 3) and nowhere in DeLorimiere is the coupler described as having a non-circular opening. Moore describes a decorative tip that fits in "threadable engagement" with the coupler for "detachably securing" the decorative tip to the coupler. (See col. 1, lines 49-55). Further, in Moore there is no mention or no clear illustration of a coupler having a non-circular decorative opening and In Berrod, Figure 2 shows a tip "c" that is attached to a coupler

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“a” and there is no clear illustration of a coupler having a non-circular decorative opening. Moreover, with respect to claims 16-20, there is certainly no description in any of the cited references of an integrated decorative tip including dentate projections that define the non-decorative opening.

Therefore, in none of the above-mentioned references is there even a hint of integrally incorporating to the coupler a decorative tip having a non-circular opening. In all these references, the coupler serves no decorative function itself but rather is used only to attach a decorative tip thereto. It is from this attached decorative tip that filling is extruded in a decorative shape.

The Examiner states that Knight teaches extruding material directly through a coupler. However, the nozzle of Knight is not described as being non-circular and is therefore not capable of extruding filling in a non-cylindrical decorative shape. Such a non-circular shape is provided by a “decorative nozzle accessory” that has a “contoured nozzle outlet” (illustrated in Figure 3 as having a non-circular opening) that operably engages the coupler to “produce a decorative pattern.” (See col. 2, lines 45-51).

Therefore, Knight clearly contemplates that when a non-cylindrical “decorative pattern” is desired to be produced, a separate non-circular decorative tip is attached to the coupler. Knight does not provide motivation to integrally include a decorative tip having a non-circular opening to the coupler of Craig—rather, Knight points to attaching such a decorative tip to the coupler, as do all the above-mentioned references cited by the Examiner. Further, none of the cited references teach or suggest an integrated decorative tip having dentate protrusions such as recited in claims 16-20. For at least these reasons, Applicants submit that a *prima facie* case of obviousness has not been made and claims 1-20 are not rendered obvious by Craig in view of the secondary and tertiary references cited by the Examiner.

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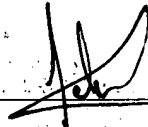
CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, as all outstanding issues have been addressed. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees are required in connection with the filing of this response, are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

Dated: June 13, 2005


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